

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JACOB SCHONBERG, BINYOMIN SCHONBERG, BINYOMIN HALPERN AND :
RAPHAEL BAROUCH ELKAIM, INDIVIDUALLY AND DERIVATIVELY ON :
BEHALF OF BUSHWICK OPERATIONS LLC, KINGSTON OPERATIONS LLC, :
JEFFERSON OPERATIONS LLC, 369 GATES OPERATIONS LLC, 1078 DEKALB :
OPERATIONS LLC, 618 LAFAYETTE OPERATIONS LLC, 74 VAN BUREN :
OPERATIONS LLC, 760 WILLOUGHBY OPERATIONS LLC, 454 CENTRAL AVENUE :
OPERATIONS LLC, 855 DEKALB AVENUE OPERATIONS LLC, 720 LIVONIA :
OPERATIONS LLC, SLOPE EQUITIES OPERATIONS LLC, WILLOUGHBY ESTATES :
OPERATIONS LLC, 73 EMPIRE DEVELOPMENT OPERATIONS LLC, 980 :
ATLANTIC HOLDINGS OPERATIONS LLC, 325 FRANKLIN OPERATIONS LLC, 8 :
MAPLE AVENUE OPERATIONS LLC 853 LEXINGTON OPERATIONS LLC, 348 ST. :
NICHOLAS OPERATIONS LLC, 1301 PUTNAM OPERATIONS LLC AND 945 ARK :
PLACE OPERATIONS LLC, :
:

Case No: 17-cv-2161
(CBA)(RML)

Plaintiffs,

-against-

YECHESKEL STRULOVICH a/k/a CHASKIEL STRULOVITCH, YECHIEL :
OBERLANDER a/k/a MICI OBERLANDER a/k/a MIHAY OBERLANDER, CSRE LLC, :
CS CONSTRUCTION GROUP LLC, GOOD LIVING MANAGEMENT LLC, 908 :
BERGEN STREET LLC, 901 BUSHWICK AVENUE LLC, 106 KINGSTON LLC, 1213 :
JEFFERSON LLC, GATES EQUITY HOLDINGS LLC, 1078 DEKALB LLC, 618 :
LAFAYETTE LLC, 74 VAN BUREN LLC, 762 WILLOUGHBY LLC, 454 CENTRAL :
AVENUE LLC, 855 DEKALB AVENUE LLC, 720 LIVONIA DEVELOPMENT LLC, :
853 LEXINGTON LLC, 657-665 5th AVENUE LLC, WILLOUGHBY ESTATES LLC, 73 :
EMPIRE DEVELOPMENT LLC, 980 ATLANTIC HOLDINGS LLC, 325 FRANKLIN :
LLC, 945 PARK PL LLC, 1301 PUTNAM LLC, 348 ST. NICHOLAS LLC, APC :
HOLDING I LLC, CSY HOLDINGS LLC, FIRST AVENUE REALTY HOLDINGS L.P., :
53 STANHOPE LLC, 1125-1133 GREENE AVE LLC, 834 METROPOLITAN AVENUE :
LLC, 92 SOUTH 4TH STREET, LLC, THE HOWARD DAY HOUSE LLC, 55 STANHOPE :
LLC, 599- 601 WILLOUGHBY LLC, 1217 BEDFORD LLC, 1266 PACIFIC LLC, CSN :
PARTNERS L.P., 196 ALBANY HOLDINGS L.P, FULTON STREET HOLDNGS LLC, :
100 JEFFERSON REALTY LLC, 167 HART LLC, 741 LEXINGTON LLC, 296 COOPER :
LLC, 400 SOUTH 2ND STREET HOLDINGS L P., 41-49 SPENCER LLC, CS YH :
CONDOS LLC, GOLD CLIFF LLC, MYRTLINO HOLDINGS, LLC, WILLTROUT :
REALTY LLC, SLOPE OFFICES LLC, STAGG STUDIOS LLC, AND JOHN DOES I-10 :
AND XYZ CORPS. I-10 SUCH INDIVIDUALS OR ENTITIES BEING UNKNOWN :
ENTITIES PRESENTLY IN CONTRACT TO ACQUIRE THE PARCELS OF REAL :
PROPERTY LOCATED AT 618 LAFAYETTE AVENUE, 1018 DEKALB AVENUE, 853 :
LEXINGTON AVENUE AND 657-665A FIFTH AVENUE, :
:

Defendants.

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DECLARATION OF YECHESKEL STRULOVITCH

Yechezkel Strulovitch declares, under the penalty of perjury pursuant to 28 U.S.C. § 1746, the following:

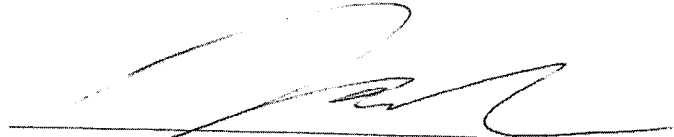
1. I am a named Defendant in the above captioned action and I am a Managing Member of co-Defendants CSRE LLC, CS Construction Group LLC, Good Living Management LLC, 908 Bergen Street LLC, 901 Bushwick Avenue LLC, 106 Kingston LLC, 1213 Jefferson LLC, Gates Equity Holdings LLC, 1078 Dekalb LLC, 618 Lafayette LLC, 74 Van Buren LLC, 762 Willoughby LLC, 454 Central Avenue LLC, 855 Dekalb Avenue LLC, 720 Livonia Development LLC, 853 Lexington LLC, 657-665 5th Avenue LLC, Willoughby Estates LLC, 73 Empire Development LLC, 980 Atlantic Holdings LLC, 325 Franklin LLC, 945 Park Pl LLC, 1301 Putnam LLC, 348 St. Nicholas LLC, CSY Holdings LLC, APC Holding 1 LLC, 53 Stanhope LLC, The Howard Day House LLC, 55 Stanhope LLC, 599-601 Willoughby LLC, 1217 Bedford LLC, 1266 Pacific LLC, Fulton Street Holdings LLC, 167 Hart LLC, 741 Lexington LLC, 296 Cooper LLC, and CS YH Condos LLC (collectively, the "Defendants"). I am fully familiar with the allegations set forth in Plaintiffs' Amended Complaint and the alleged facts set forth therein. This declaration is based upon my personal knowledge, unless stated otherwise. I am competent to testify to the facts set forth herein.

2. I submit this Declaration in support of Defendants' motion, pursuant to Fed. R. Civ. P. 12(b)(1), 12(b)(6), 9(b), 41(b), and the Federal Arbitration Act, 9 U.S.C. §§ 1-16, to: (i) dismiss the Amended Complaint; (ii) compel arbitration, if the Court deems it necessary; (iii) transfer this action to Kings County Supreme Court, if the Court deems it necessary; (iv) cancel the notices of pendency attached to certain parcels of real property owned by certain of the Defendants; and (v) for such other and further relief as this Court deems appropriate.

3. Annexed hereto as **Exhibit 1** is a true and correct copy of the Limited Liability Company Operating Agreement of 908 Bergen Street LLC.
4. Annexed hereto as **Exhibit 2** is a true and correct copy of the Limited Liability Company Operating Agreement of 853 Lexington LLC.
5. Annexed hereto as **Exhibit 3** is a true and correct copy of the Limited Liability Company Operating Agreement of 74 Van Buren LLC.
6. Annexed hereto as **Exhibit 4** is a true and correct copy of the Limited Liability Company Operating Agreement of 762 Willoughby LLC.
7. Annexed hereto as **Exhibit 5** is a true and correct copy of the Limited Liability Company Operating Agreement of 454 Central Avenue LLC.
8. Annexed hereto as **Exhibit 6** is a true and correct copy of the Limited Liability Company Operating Agreement of 855 DeKalb Avenue LLC.
9. Annexed hereto as **Exhibit 7** is a true and correct copy of the Limited Liability Company Operating Agreement of Willoughby Estates LLC.
10. Annexed hereto as **Exhibit 8** is a true and correct copy of the Limited Liability Company Operating Agreement of 73 Empire Development LLC.
11. Annexed hereto as **Exhibit 9** is a true and correct copy of the Limited Liability Company Operating Agreement of 980 Atlantic Holdings LLC.
12. Annexed hereto as **Exhibit 10** is a true and correct copy of the Limited Liability Company Operating Agreement of 106 Kingston LLC.
13. Annexed hereto as **Exhibit 11** is a true and correct copy of the Limited Liability Company Operating Agreement of 1213 Jefferson LLC.

14. Annexed hereto as **Exhibit 12** is a true and correct copy of the Limited Liability Company Operating Agreement of 618 LaFayette LLC.
15. Annexed hereto as **Exhibit 13** is a true and correct copy of the Limited Liability Company Operating Agreement of 1078 DeKalb LLC.
16. Annexed hereto as **Exhibit 14** is a true and correct copy of the Limited Liability Company Operating Agreement of 325 Franklin LLC.
17. Annexed hereto as **Exhibit 15** is a true and correct copy of the Limited Liability Company Operating Agreement of 657-665 5th Avenue LLC.
18. Annexed hereto as **Exhibit 16** is a true and correct copy of the Limited Liability Company Operating Agreement of 901 Bushwick Avenue LLC.
19. Annexed hereto as **Exhibit 17** is a true and correct copy of the Limited Liability Company Operating Agreement of 720 Livonia Development LLC.
20. Annexed hereto as **Exhibit 18** is a true and correct copy of the Limited Liability Company Operating Agreement of Gates Equity Holdings LLC.
21. Annexed hereto as **Exhibit 19** is a true and correct copy of the Limited Liability Company Operating Agreement of 945 Park PL LLC.
22. Annexed hereto as **Exhibit 20** is a true and correct copy of the Amended Complaint filed in this Action.
23. Annexed hereto as **Exhibit 21** is a true and correct copy of the notices of pendency filed in this Action on April 25, 2017
24. Annexed hereto as **Exhibit 22** is a true and correct copy of a notice of pendency filed in this Action on May 1, 2017

Dated: New York, New York
June 12, 2017



Yechezkel Strulovitch